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EXAMINER	
TAYLOR, VICTOR J	
ART UNIT	**PAPER NUMBER**
2862	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/004,623	Applicant(s) BURFEIND ET AL.
	Examiner Victor Taylor	Art Unit 2862 2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-69* is/are pending in the application.

4a) Of the above claim(s) *1-17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *3 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *Office Action* .

DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on 3 December 2001. The examiner approves these drawings.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper time wise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See, 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 18-69 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1- 39 of U.S. Patent No. 6,360,172. Although the conflicting claims are not identical, they are not patentably distinct from each other because these claims 18-69 of the instant application are broader than and encamp the boundaries of claims 1-39 of U. S. Patent 6,360,172.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The term "Natural-Phenomenological Data" in claims, 18, 19, 24, 25, 30, 35, 36, 41, 43, 44, 45, 47, 49, 51, 52-55, 57-67 is used by the claims to mean "Meteorological Data," while the accepted meaning is "Natural Cognitive Psychology":

The term Phenomenological, as defined in The American Heritage Dictionary of The American Language in the third edition of 1992 defines this term as "The study of all possible appearances in human experience, during which consideration of objective reality and of purely subjective response are left out of account" and as found in studies of cognitive psychology.

The dictionary further defines the term Natural as "present in or produced by nature, of, relating to or concerning nature, for example a natural environment.

Therefore, the term natural-phenomenological has a meaning of natural cognitive psychology. However, this term in the claims is defined in the specification to mean metrological data. The claim term as defined by the dictionary differs from the scope of meteorological data. Appropriate correction is required.

6. Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

In the preamble, the wording, "wherein the computer data further comprises" and "comprises generated by a method comprising of" has a product by process structure with the claim limitation step of receiving data, and with the step of receiving criteria and the step of selecting criteria to the information multiplexed onto the carrier frequency in the assigned channel. It is not clear as to the appropriate steps taken to "embodied", the computer data onto the carrier signal.

Furthermore, the wording of "A computer data signal embodied in a carrier wave" describes several forms of signal multiplexing used in the communications arts commonly know as Frequency and Time Divisional Multiple Access, and as FDMA, and as TDMA. Each of these methods of multiplexing computer signals and analog signals onto the RF carrier frequency and are well known in the communication art. Appropriate correction is required.

Official Notice

7. The examiner takes official notice that the instant application describes the term "Personalized Natural-Phenomenological information" as the unique requirements of a subscriber to obtain personalized Meteorological information from a Meteorological source as defined in lines 5-10 on page 4 of the instant application, and in lines 52-60 of column 2 in US patent 6,360,172.

In contrast the term Phenomenological, as defined in The American Heritage Dictionary of The American Language in the third edition of 1992 defines this term as "The study of all possible appearances in human experience, during which

consideration of objective reality and of purely subjective response are left out of account" as found in studies of cognitive psychology.

The dictionary further defines the term Natural as "present in or produced by nature, of, relating to or concerning nature", for example "a natural environment".

For purposes of examination the examiner will consider the term "Natural-Phenomenological data" to mean Meteorological data as defined in the specification and as derived and secured from a meteorological weather source.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 18-52, 55-66 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Zereski Jr. et al., in US 5,654,886.

With regard to claim 18, Zereski Jr. et al., discloses a multimedia outdoor information system including an asset assembler 80 in figure 3 and the National Weather Service weather meteorological data source 10 in figure 1.

Zereski Jr. et al., further discloses the limitation of receiving the meteorological data from a source 14 in figure 1 and discloses receiving the "natural-phenomenological meteorological weather data" as the transmitting of the digital data from the database including weather data by request from the user in lines 40-49 of column 2.

Zereski Jr. et al., further discloses the limitation of receiving predetermined criteria for selecting meteorological data that describes the preference request data received from a user and a user device for selected out door meteorological information in line 41-44 of column 2.

Zereski Jr. et al., further discloses the limitation of selecting a portion of the meteorological information in the presentation generator 20 and converts the outdoor information and selects portions of the meteorological and out door information data and displays portion in response to the requester of the user device in lines 30-44 column 2.

Zereski Jr. et al., further discloses the limitation of transmitting the portion to at least one destination device see the interactive TV 26 connection to the presentation generator 20 in figure 2 and the electronic transmission of weather data in line 26 of column 2.

As to claim 19 Zereski Jr. et al., further discloses the limitation of receiving meteorological data before receiving the predetermined criteria for selecting meteorological data in the presentation generator 20 in figure 1 by receiving data from a plurality of sources line 31 and compiling the data in line 32 and by selecting the outdoor data information in response to the request in lines 42-47 of column 2.

As to claim 20 Zereski Jr. et al., further discloses the limitation of receiving the predetermined request criteria identifying at least one device 22 and encoding at the template portion compliant to the transmission medium and transmitted from the data base in lines 44-50 of column 2.

As to claim 21 Zereski Jr. et al., further discloses the limitation of predetermined criteria describes at least one activity and the activity includes sensitivity to natural phenomena as NWS data 10 and a schedule of at least one activity of ski reports in line 48 of column 2 and discloses at least one geographical location and region in line 2 column 2.

As to claim 22 Zereski Jr. et al., further discloses the limitation of text data 70 in figure 3.

As to claim 23 Zereski Jr. et al., further discloses the limitation of a selection of devices the Internet 22 and on line services 24 and interactive TV 26 in figure 1.

With regard to claim 24, Zereski Jr. et al., discloses the limitations of a computer executable medium in the presentation medium 20, and executes instruction to the server computer on the internet 22 in figure 1, and discloses multimedia capabilities in line 46-66 of column 4. The claim limitations of claim 24 are the same as the claim limitations of claim 18 and the arguments applied to claim 18 are applied to claim 24 for their common features. The computer system with multimedia capabilities is found in line 56 of column 4.

As to claim 25 Zereski Jr. et al., further discloses the limitation of receiving meteorological data before receiving the predetermined criteria for selecting meteorological data in the presentation generator 20 in figure 1 by receiving data from a plurality of sources line 31 and compiling the data in line 32 and by selecting the outdoor data information in response to the request in lines 42-47 of column 2.

As to claim 26 Zereski Jr. et al., further discloses the limitation of transmitting of receiving the predetermined request criteria identifying at least one device 22 and encoding at the template portion compliant to the transmission medium and transmitted from the data base in lines 44-50 of column 2.

As to claim 27 Zereski Jr. et al., further discloses the limitation of a plurality of activities and predetermined criteria and describes at least one activity and the activity includes sensitivity to natural phenomena as NWS data 10 and a schedule of at least one activity of ski reports in line 48 of column 2 and discloses at least one geographical location and region in line 2 column 2.

As to claim 28 Zereski Jr. et al., further discloses the limitation of multimedia data selections from NWS data 10, and Images Data 12, and Meteorologist forecast 14, and Ski Reports 16, in figure 1.

As to claim 29 Zereski Jr. et al., further discloses the limitation of computer implemented asset database 44 and computer 52 connected to internet with the world wide4 web server in figure 2 using the computer implemented medium of figure 3 with a selection of devices the Internet 22 and on line services 24 and interactive TV 26 in figure 1.

With regard to claim 30, Zereski Jr. et al., The arguments applied to the common limitations found in claim 1 and claim 24 are applied to the same common limitations found in claim 30 for their common features. Zereski Jr. et al., further discloses the limitation communicatively connection to the receiver of meteorological data image data

base 62 and the image requester 60 in figure 3 in combination with the data base manager 84 and the user input add or delete in line 19 of column 6.

As to claim 31 Zereski Jr. et al., further discloses the limitation of transmitting of receiving the predetermined request criteria identifying at least one device 22 and encoding at the template portion compliant to the transmission medium and transmitted from the data base in lines 44-50 of column 2. Zereski Jr. et al., further disclose transmitting 50 the encoded portion to the destination device 52 and to the server and to the Internet in figure 2.

As to claim 32 Zereski Jr. et al., further discloses the limitation of a plurality of activities and predetermined criteria and describes at least one activity and the activity includes sensitivity to natural phenomena as NWS data 10 and a schedule of at least one activity of ski reports in line 48 of column 2 and discloses at least one geographical location and region in line 2 column 2.

As to claim 33 Zereski Jr. et al., further discloses the limitation of multimedia data selections from NWS data 10, and Images Data 12, and Meteorologist forecast 14, and Ski Reports 16, in figure 1 and discloses the text database 70 and the text requester 68 in figure 3.

As to claim 34 Zereski Jr. et al., further discloses the limitation of computer implemented asset database 44 and computer 52 connected to internet with the world wide4 web server in figure 2 using the computer implemented medium of figure 3 with a selection of devices the Internet 22 and on line services 24 and interactive TV 26 in figure 1.

With regard to claim 35, The arguments applied to the claim limitations of claim 18, and claim 24 and claim 30 are applied to claim 35 for their common features. Claim 35 cites a computer data signal embodied in a carrier wave, Zereski Jr. et al., further discloses the presentation data base 102 with access to the internet and world wide wed which include all the telecommunication connections using multiplexing systems, radio systems and satellite communications to transmit and receive computer data signals embodied in a carrier wave including the meteorological data, and running the GTTP daemon which accesses the presentation database in response to user request for selection of the database including the NWS meteorological data 10 in figure 1 and in lines 45 to 54 of column 7.

As to claim 36 Zereski Jr. et al., further discloses the limitation of receiving meteorological data before receiving the predetermined criteria for selecting meteorological data in the presentation generator 20 in figure 1 by receiving data from a plurality of sources line 31 and compiling the data in line 32 and by selecting the outdoor data information in response to the request in lines 42-47 of column 2.

As to claim 37 Zereski Jr. et al., further discloses the limitation of encoding in a manner in the asset assembler 42 that is compliant to a destination device medium the server 52 in figure 2.

As to claim 38 Zereski Jr. et al., further discloses the limitation of a selection of devices the Internet 22 and on line services 24 and interactive TV 26 in figure 1.

As to claim 39 Zereski Jr. et al., further discloses the limitation of a plurality of activities and predetermined criteria and describes at least one activity and the activity

includes sensitivity to natural phenomena as NWS data 10 and a schedule of at least one activity of ski reports in line 48 of column 2 and discloses at least one geographical location and region in line 2 column 2.

As to claim 40 Zereski Jr. et al., further discloses the limitation of multimedia data selections from NWS data 10, and Images Data 12, and Meteorologist forecast 14, and Ski Reports 16, in figure 1.

With regard to claim 41, Zereski Jr. et al., discloses the limitations of a computer medium asset database 44 with a first field having a plurality of meteorologists in different regions subscribers in line 2 of column 2 and a second field comprising data representing the natural-phenomenological 14 or metrological 14 and NWS data 10 and Ski Reports 16 in figure 1 associated with the user and identified by the first field as a plurality of meteorologists in line 2 of column 2, in combination with lines 1-50 of column 2 and as the image requester in line 55 of column 5.

As to claim 42 Zereski Jr. et al., further discloses the limitation of a pointer to a subscriber object in the data base manger 84 in line 17 of column 6 with the asset assembler 80 extracts instructions and adds or removes data from the radar satellite images or NWS data in lines 10-35 of column 6 and discloses the pointer in line 65 of column 7.

As to claim 43 Zereski Jr. et al., further discloses the limitation of a data base pointer in the data base manager 84 and selects data from the natural-phenomenological metrological radar satellite images in lines 17 of column 6 see also lines1-65 of column 6 for the text summary in line 55.

With regard to claim 44, Zereski Jr. et al., discloses a data structure having storage capabilities in the presentation generator 20 of figure 1.

Zereski Jr. et al., further discloses the limitation of a person type field 24 (The on line services) containing data representing a particular person, the user with the identifier code 24 in figure 1 and in lines 10-14 of column 2.

Zereski Jr. et al., further discloses the limitation of a natural-phenomenological preference data structure 14, (The meteorologist's forecast) in figure 1 and containing data representing at least one meteorological preference selected by the client using the on line services 24 in figure 1 and discloses a plurality of selections by the user in line 12 of column 2.

Zereski Jr. et al., further discloses the limitation of a calendar data structure 136 with dates places and time in figure 7 and discloses the selection 124 of a plurality of data base in line 62-65 of column 7.

As to claim 45 Zereski Jr. et al., further discloses the limitation of a natural-phenomenological-preference field in (The NWS data) 10, and containing data representing the identifier of a particular natural-phenomenological in (the weather) preference displayed 130 in figure 6.

Zereski Jr. et al., further discloses the limitation of at least one meteorological data structure 14 containing data representing at least one meteorological preference for the person identified in the on-line services 24 by the person selecting in line19 of column 6.

Zereski Jr. et al., further discloses the limitation of a forecast data structure 130 in figure 6 and discloses a gridded data structure 140 in figure 8 and discloses the template database and bit map in the asset assembler 80 in lines 60-67 of column 6.

As to claim 46 Zereski Jr. et al., further discloses the limitation of a calendar data structure in the asset assembler 80 in figure 3 and displays day, month and year dates with the time in 164 of figure 10.

As to claim 47 Zereski Jr. et al., further discloses the limitation of a day field representative a particular day as of Friday, March 10, 1995, at 6:58AM 164 in figure 10 and with a metrological preference data structure displayed for the weather and Ski Report in figure 10.

With regard to claim 48, Zereski Jr. et al., discloses the data structure asset database 44 in figure 2, and discloses the preference field containing data in the data requester 40 in figure 2, and discloses a sensitivity data representative of a sensitivity of the preference selected and identified by the user in the asset assembler 42 in figure 2, He further discloses the geographic location data structure in the presentation render 46 in figure 3, representative of the geographic location 130 in figure 6 selected by the user 52 in figure 2.

As to claim 49 Zereski Jr. et al., further discloses the limitation preference type database 44 identifies a meteorological data structure in the asset assembler 44 of figure 2 and displays 140 in figure 8

As to claim 50 Zereski Jr. et al., further discloses the limitation of a geographic location type field 160 containing data representative of an identifier of a particular

geographic location 162 in the listings of the ski report for the various states in figure 9 in combination with the user selection in lines 64-67 in column 8.

Zereski Jr. et al., further discloses the limitation of a wide variety of NWS data in line 34 of column 4 including the longitude field data in the NWS data 10 of figure 1.

Zereski Jr. et al., further discloses the limitation of a wide variety of NWS data in line 34 of column 4 including the latitude field data in the NWS data 10 of figure 1.

Zereski Jr. et al., further discloses the limitation of a name field in the row and column map under city136 in figure 7, and discloses the radius fields in the plurality of radius drawings 130 in the bit map of figure 6 and in line 65 of column 6.

With regard to claim 51, Zereski Jr. et al., discloses a method of generating a personified multimedia metrological forecast 20 in figure 1, in reference to a plurality of data bases see NWS data 10, and Meteorologist's forecast 14 in figure 1, and to a plurality of locations 124 and times 144 and dates in figure 8.

Zereski Jr et al., further discloses the distribution of the weather and multimedia information through the Internet 22 in figure 1.

As to claim 52 Zereski Jr. et al., further discloses the limitation of the natural meteorological forecast 14 includes a plurality of data base of information in elements 10, 12, 14 and 16 of figure 1 and comprises a meteorological fore case 130 in figure 6.

With regard to claim 55, Zereski Jr. et al., discloses receiving gridded data from the NWS gridded data base 10 in figure 1 and generating a meteorological text string 68 from the gridded data 62 in figure 3, from the personal preference user in line 42 of column 2.

As to claim 56 Zereski Jr. et al., further discloses the limitation receiving the gridded data from the gridded data from the NWS data 10 in figure 1 and storing the gridded data in the DB manager 98 in figure 4.

As to claim 57 Zereski Jr. et al., further discloses the limitation encoding 50 the meteorological text string according to the capabilities of an output device 52 in figure 2

As to claim 58 Zereski Jr. et al., further discloses the limitation of transmitting 20 the encoded meteorological text string to the output device 22 in figure 1.

With regard to claim 59, Zereski Jr. et al., discloses receiving gridded data from the gridded NWS data base 10 in figure 1 and discloses generating the personal user selected metrological text string 68 from the gridded NWS data 10 from the personal user in formation data in line 40-47 of column 2.

As to claim 60 Zereski Jr. et al., further discloses the limitation receiving NWS gridded data 10 in figure 1, and storing the NWS gridded data 10 in gridded asset database 44 in figure 2.

As to claim 61 Zereski Jr. et al., further discloses the limitation encoding the personalized metrological data and text string 70 in figure 3 in the presentation database 50 according to the capabilities of the output device (computer and the enclosed modem) 52 in figure 2.

As to claim 62 Zereski Jr. et al., further discloses the limitation a text string 68 and transmitting 46 to the presentation database 50 and on to the output device computer 52 in figure 2.

With regard to claim 63, Zereski Jr. et al., discloses a gridded data base object the NWS data 10 in figure 1 and a personal weather text generator 20 coupled to the gridded data 10 to receive personal data 22 and to generate 20 a personal meteorological text string 120 in figure 6 from the gridded NWS data 10 in figure 2 by the user in line 42 of column 2.

As to claim 64 Zereski Jr. et al., further discloses the limitation an encoder both in the presentation database 50 and in the computer 52 of figure 2.

With regard to claim 65, Zereski Jr. et al., discloses the NWS gridded data base object 10 as the NWS data 10 in figure 1 and disclose the means to generate a personalized natural-phenomenological (The weather report in figure 9), text string from the gridded data 10 and from the user request processed in the presentation generator 20 in figure 1.

As to claim 66 Zereski Jr. et al., further discloses the limitation of the means to encode the personalized natural phenomenological information (the multimedia meteorological request and information) in the presentation generator 50 and in the computer 52 of figure 2.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 67-69 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by (A): The publication GRIB edition 1 and Office Note 388 and in the WMO format for the

storage of weather product information and the exchange of weather product messages in gridded binary form as used by NCEP central operations and dated 10 march 1998.

With regard to claim 67, Publication (A) discloses the limitation data representing gridded data wherein the gridded data further comprises gridded meteorological natural phenomenological records in the GRID described in table B on page 8, and discloses locations for a plurality of locations in Alaska and Hawaii on page 25, and discloses a plurality of coefficient storage in section 2 on page 15.

As to claim 68 Publication (A) further discloses the limitation of the gridded data comprises the gridded data in the gridded binary format in table B on page 8

As to claim 69 Publication (A) further discloses the limitation of gridded data formatted to Legendre polynomials on page 15 and discloses GRIB FM 92 format.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negatived by the manner in which the invention was made.

13. Claims 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zereski Jr. et al., as being clearly anticipated in US 5,645,886 in view of the publication GRIB (Office Note 388) by the NWS on The WMO Format for Gridded Binary Form as used by the NCEP central operations dated 10 March 1998.

With regard to claim 53, Zereski Jr. et al., discloses the limitation of instantiating a gridded database from the NWS data 10 by the presentation generator 20 on the

Internet 22 in figure 1. Zereski Jr. et al., discloses the limitation of receiving in the NWS gridded database object 10 the gridded data from a source, see the collections of a plurality of data from a plurality of source in line 21 of column 3. He further discloses the gridded data from the NWS data 10, images 12 and as radar maps and cloud images in lines 25-30 of column 3 and where the gridded data is in the standard gridded data form used by the NWS 10 see figure 1. Zereski Jr. et al., further teaches the use of a wide variety of national weather service data in lines 34-45 of column 4, this includes the gridded data and he further teaches the use of bit maps with gridding in the asset assembler 80 and found in lines 60-67 of column 6. Although he teaches the use gridded data from the NWS data bank displayed in figure 6, he does not specify the gridded binary format that is standard in the received NWS data bank.

The publication Office Note 388, including the gridded binary form for the storage of weather data by the NWS dated 10 march 1998 discloses the gridded coding and teaches the grid point data and bitmaps techniques. The publication does not teach the multimedia weather information system, but teaches a method of NWS data bank storage by using the gridding system for data storage as found and commonly used by the NWD data used by Zereski et al.

Therefore it would have been obvious at the time the invention was made to include the Gridding code system of the NWS in the invention of Zereski jr et al. to facilitate the use of the NWS data 10 as found in figure 1 to increase the multimedia coverage and reduce cost.

As to claim 54 Zereski Jr. et al., further limitation the limitation of storing 44 the gridded data 10 in gridded data base object 44 in figure 2, and teaches generating a text string to the presentation rendered 46, and teaches encoding the text string to the capabilities, features and functions of an output device 52 in figure 2. He further teaches transmitting 50 the encoded text to output device 52 in figure 2.

Prior Art

14. The prior art of record and not relied upon is considered pertinent to applicant.

Sznaider, US 5,255,190 is cited for the gridded data base software method.

Baron et al., US 2002/004705 A1 is cited for the real time specific information.

Ohishi et al, US 6,137,489 is cited for the multimedia communications apparatus.

Tarabella, US 5,796,945 is cited for the personal information user defined indicia.

Peek et al., US 6,343,255 is cited for using the user defined cellular data system.

Tu, US 6,014,606 is cited for the cockpit weather information system.

Rowe et al., US 2001/0003846 A1 is cited for the encapsulated streaming media automation and distribution system.

Barros, US 6,307,573 is cited for the graphic flow method for analyzing patterns.

White et al., US 6,392,664 is cited for entertainment on demand services.

Jasinski, US 5,555,446 is cited for the selective call weather information system.

Ohishi et al., US 6,137,489 is cited for the communications with multimedia files.

Barros, US 6,307,573 is cited for the graphic multimedia system.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Taylor whose telephone number is 703-305-4470. The examiner can normally be reached on 8:00 to 4:30 PM.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 703-305-4816. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-5841 for After Final communications.

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.

Examiner V. Taylor
Art Unit 2862
June 17, 2002

EDWARD LEFKOWITZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800